

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PRISCILLA MATTHEWS,

Case No. 06-11618

Plaintiff,

DISTRICT JUDGE
ARTHUR J. TARNOW

v.

MICHAEL BAUMHAFT, et al.,

MAGISTRATE JUDGE
VIRGINIA M. MORGAN

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION [DE 54], AND
GRANTING DEFENDANT'S MOTIONS TO DISMISS [DE 33]**

Before the Court are Defendant Ticor Title Insurance Company's motion to dismiss [DE 33], and the Magistrate Judge's Report and Recommendation [DE 54], on which the Court heard oral arguments March 27, 2007.

The Court has reviewed the relevant pleadings, the Report and Recommendation, and objections thereto. The Court agrees with the Report and Recommendation, with the exception of the first two sentences of the second full paragraph on page 5 of the report. Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation [DE 54] is ADOPTED as the findings and conclusions of the Court, except that the following passage is struck from that adoption:

To the extent that Ticor seeks to end this litigation, the outcome of the case may well subject it to liability as a result of the actions of its agents.

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Res judicata and/or collateral estoppel could bar re-litigation of the claims and may subject Ticor to liability to plaintiff.

IT IS FURTHER ORDERED that Defendant's motion to dismiss [DE 33] is GRANTED.

IT IS FURTHER ORDERED that this case is DISMISSED as against Defendant Ticor Title Insurance Company.

SO ORDERED.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: March 28, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 28, 2007, by electronic and/or ordinary mail.

s/Theresa E. Taylor
Case Manager